

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

Case No. 5513
Date Filed 9-1-05
Hearing Date _____
Receipt _____
Fee NA

Shaded Areas for Office Use Only

Type of Application

- _____ Administrative Decision/Interpretation
_____ Special Exception
_____ Use Variance
_____ Change/Extension of Non-Conforming Use
_____ Minor Area Variance
_____ Area Variance
_____ Variance from Requirements of the Code
_____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE MAP 23 **TYPE** Mapping Error

ELECTION DISTRICT 04 **LOCATION** 4106 Norrisville Road, White Hall

BY Madonna Enterprises, LLC, 4106 Norrisville Rd, White Hall, MD 21161

and Harford County Government P&Z, 220 S. Main Street, Bel Air, MD 21014

Appealed because an interpretation pursuant to Section 267-10D of the Harford County Code to correct a mapping error in the 1997 Comprehensive Rezoning by adjusting the B3 boundary to include parcel 17 in its entirety, as shown on the current maps as B3/Ag District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Madonna Enterprises, LLC Phone Number _____

Address 4106 Norrisville Road White Hall Maryland 21161
Street Number Street City State Zip Code

Co-Applicant Harford County Government Phone Number 410-638-3103

Address 220 South Main Street Bel Air Maryland 21014
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 4106 Norrisville Road, White Hall

Subdivision _____

Lot Number _____

Acreage/Lot Size 1.6 Acres

Election District 04

Zoning B3/AG

Tax Map No. 23 Grid No. 4D Parcel 17 Water/Sewer: Private X Public _____

List ALL structures on property and current use: _____

Estimated time required to present case: _____

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? _____

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

Correct a mapping error pursuant to Section 267-10D in the 1997 Comprehensive
Rezoning by adjusting the B3 boundary to include parcel 17 in its entirety,
as shown on the current maps as B3/Ag District.

Justification

Parcel 17 was an issue during the 1982 Comprehensive Rezoning process and was
rezoned from Agricultural to B3/General Business District as shown on the enclosed
zoning map. It was not an issue during the 1989 and 1997 Comprehensive Rezoning
reviews. In 1997 a drafting error occurred eliminating a portion of the B3 along
the southern end of the property as reflected on the enclosed zoning maps.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

RECEIVED

LAW OFFICES

WHITFILL, LEAF & HERTSCH, P.A. MAY 26 1981

48 EAST GORDON STREET

P. O. BOX B

BEL AIR, MARYLAND 21014

DEPARTMENT OF PLANNING & ZONING
HARFORD COUNTY
BEL AIR, MARYLAND
(301) 838-8664
(301) 879-1551

3-1
Dist. 8
Map # 23
CYPERT O. WHITFILL
MICHAEL E. LEAF
FRANK F. HERTSCH
JANET BUSH HANDY

May 27, 1981

Mr. Guy W. Hager, AICP, Director
Department of Planning and Zoning
45 South Main Street
Bel Air, MD 21014

Re: Comprehensive Zoning Request
T. C. Simons
Our File No.: 4435

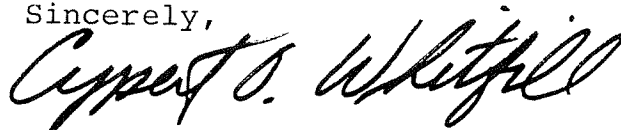
Dear Mr. Hager:

On May 15, 1981, we filed an application for a change of zoning pursuant to the comprehensive zoning process for T. C. Simons for property located at the intersection of Maryland State Route 23 and Maryland State Route 146 in Madonna, Maryland (Planning District 8). The map which accompanied this application correctly reflected the location of the Simons property. However, we have noted that there was an error in the application form in that it stated the size of the parcel to be 0.59 acres, more or less, when, in fact, it should have stated that the property subject to the request was 1.6 acres, more or less.

We hereby request that you amend the comprehensive zoning change request of T. C. Simons by striking the acreage of 0.59 acres and inserting in place thereof 1.6 acres. In all other respects, this application will remain the same.

With kindest regards, I am

Sincerely,



Cypert O. Whitfill

COW:bkh

cc: Mr. T. C. Simons
Mr. Dennis Sigler

COMPREHENSIVE ZONING CHANGE REQUEST
Harford County, Maryland

Issue No. B-3
Planning Dist. Har 9

Date Received May 13, 1981

A Separate Form Shall Be Submitted in Triplicate for EACH Parcel of Property

1. Property Owner:

Individual ☒ Name Mr. & Mrs. T. C. Simons
Partnership _____ Address 4106 Morrisville Road
Corporation _____ White Hall, MD 21161 Phone _____

If the owner(s) wishes to designate a representative to file and sign this form, the owner(s) shall submit a signed letter attached to this form designating the authorized agent to act on his or her behalf. The owner's signature shall be witnessed by a person other than a relative.

2. Authorized Agent: Name Whitfill, Leaf & Hertsch, P.A.
Address P. O. Box 3
Sol Air, MD 21014 Phone 338-8564

3. Description of Property:

Location S/S Rt. 23, W/Side Jarrettsville Pike, Madonna

(Attach plat and describe in relationship to roads)

Election District 4 Map # 23 Blk # D-4 Parcel # 17 Exist. Zoning(s) A-1

Acreage of Parcel .57 1.6 Water/Sewer—Private ☒ Public _____

Present Use and All Improvements Contractors equipment stored and repaired
or district to allow contractors equipment storage & repair.

4. Requested Zoning D-3 7 (If no zoning change is requested, enter NONE. The Applicant may disregard items 5 & 6 and sign the form.)

Acreage of Area Requested .57 1.6

5. Proposed Use: Maintenance and storage of construction equipment

6. Reason For Request: Allow improvement and upgrading of a business that has operated as a variance for 20 years.

If This Requested Zoning Change Is Granted, A Change In The Property Assessment May Result.

I (WE) REPRESENT THAT I AM (WE ARE) THE OWNER(S) OF RECORD OF THIS PARCEL OF LAND AT THE TIME OF SIGNING THIS FORM.

Signature(s) of Witness(es)
Other Than A Relative:

Signature(s) of ALL Owner(s) or
The Authorized Agent

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

* Attach additional information if necessary.

Mr. Guy W. Hager, AICP, Director
Department of Planning and Zoning
45 South Main Street
Bel Air, Maryland 21014

Re: Comprehensive Zoning Process

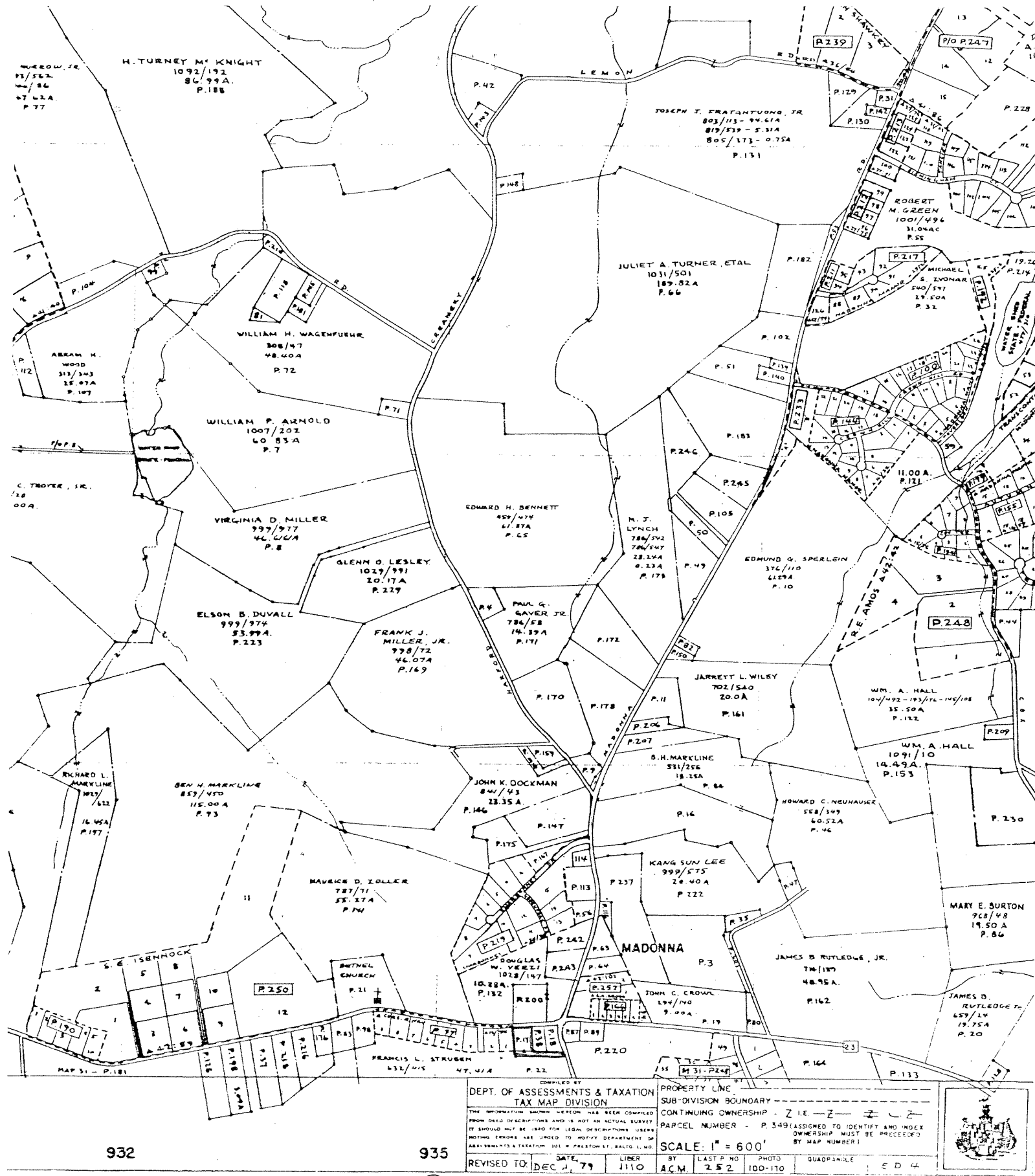
Dear Mr. Hager:

Please be advised that the undersigned is/are the owner(s) of certain tract(s) of land in Harford County, Maryland, and hereby appoint Whitfill, Leaf & Hertsch, P.A. to act as our representative during the comprehensive zoning process and to execute and file the form entitled "Comprehensive Zoning Change Request, Harford County, Maryland".

Sincerely,

Maribelle J. Hicks J C Simons
Witness Owner

Maribelle J. Hicks J. C. Simons
Witness Owner



DEPT. OF ASSESSMENTS & TAXATION
TAX MAP DIVISION

THE INFORMATION SHOWN ON THIS MAP HAS BEEN COMPILED FROM DEED DESCRIPTIONS AND IS NOT AN ACTUAL SURVEY. IT SHOULD NOT BE USED FOR LEGAL DESCRIPTIONS. USERS NOTING ERRORS ARE URGED TO NOTIFY THE DEPARTMENT OF ASSESSMENTS & TAXATION, 301 N. PRESTON ST., MADISON, WIS. 53703.

REVISED TO: DEC 1, 79

PROPERTY LINE	BY	LAST P. NO.	PHOTO	QUAD
SUB-DIVISION BOUNDARY	ACM	252	100-170	ED 4
CONTINUING OWNERSHIP - Z.I.E. - Z				
PARCEL NUMBER - P. 349 (ASSIGNED TO IDENTIFY AND INDEX OWNERSHIP MUST BE PRECEDED BY MAP NUMBER)				
SCALE: 1" = 600'				



932

935

(31)

(24)

MAP 23

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



Anthony S. McClune
Acting Director of Planning & Zoning

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 28, 2005

STAFF REPORT

BOARD OF APPEALS CASE No. 5513

APPLICANT/OWNER: Madonna Enterprises, LLC
4106 Norrisville Road, White Hall, Maryland 21161

Co-APPLICANT: Harford County Government
220 South Main Street, Bel Air, Maryland

REPRESENTATIVE: Harford County Planning and Zoning
220 South Main Street, Bel Air, Maryland 21014

LOCATION: 4106 Norrisville Road, White Hall
Tax Map: 23 / Grid: 4D / Parcel: 17
Election District: Fourth (4th)

ACREAGE: 1.6 acres

ZONING: B3/General Business District and AG/Agricultural

DATE FILED: September 1, 2005

HEARING DATE: October 17, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

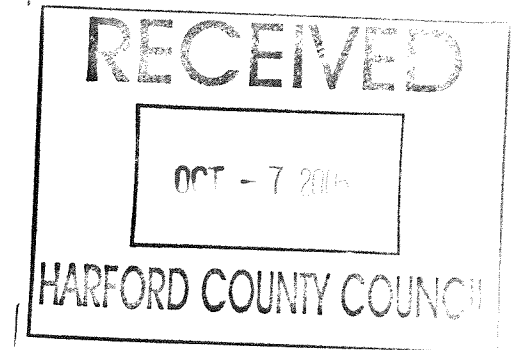
"Correct a mapping error pursuant to Section 267-10D in the 1997 Comprehensive Rezoning by adjusting the B3 boundary to include parcel 17 in its entirety, as shown on the current maps as B3/Ag Districts."

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.



STAFF REPORT

Board of Appeals Case Number 5513

Madonna Enterprises, LLC

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Justification:

“Parcel 17 was an issue during the 1982 Comprehensive Rezoning process and was rezoned from Agricultural to B3/General Business District as shown on the enclosed zoning Map. It was not an issue during the 1989 and 1997 Comprehensive Rezoning reviews. In 1997 a drafting error occurred eliminating a portion of the B3 along the southern end of the property as reflected on the enclosed zoning maps.”

CODE REQUIREMENTS:

The Department is requesting an interpretation pursuant to Section 267-10D of the Harford County Code to correct a mapping error in the 1997 Comprehensive Rezoning by adjusting the B3/General Business District boundary to include parcel 17 in its entirety, as shown on the current maps as B3/General Business and AG/Agricultural Districts.

Section 267-10D of the Harford County Code reads:

- D. Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process. [Added by Bill No. 84-38]*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located on the south side of Norrisville Road (MD Route 23), just west of Jarrettsville Pike (MD Route 146). The property has frontage on MD Rte. 23 and MD Rte. 146. A location map is enclosed with the report (Attachment 1).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Natural Features Map reflects Parks, Sensitive Species Project Review Areas, Agricultural Preservation Districts and Easements, and Stream Systems. The subject property is within the Agricultural designation which is defined in the 2004 Land Use plan as:

Agricultural – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

STAFF REPORT

Board of Appeals Case Number 5513

Madonna Enterprises, LLC

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Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 2 and 3).

Land Use – Existing:

The existing land uses in this area of the County generally conforms to the overall intent of the 2004 Master Plan. The predominant land use is agriculture which includes cropland, pastureland and large areas of dense woodland. There are small residential subdivisions and scattered residences throughout the area. There are several commercial uses located at the intersection of MD Rte. 23 and MD Rte. 146. Enclosed with the report are aerial photographs (Attachments 4 and 5).

The subject property is located on the south side of Norrisville Road (MD Route 23) approximately 250-feet west of the intersection of MD Route 23 and MD Route 146. The lot is unusually shaped. The main part of the lot is rectangular in shape with a narrow strip of land providing access to MD Route 146 (Attachment 6). The property is approximately 1.6 acres in size. Improvements consist of a brick and frame structure used as an office (Isennock Auction and Service Inc). Directly to the rear of the office building is a large 1-story building approximately 35-feet by 100-feet in size and a second storage building/garage approximately 20-feet by 60-feet. There is also a frame shed and shipping containers on the property. The parking area, driveway and storage areas are blacktopped. The 2-properties to the east contain motor vehicle related sales, service and storage uses.

The other land uses around this intersection include a small shopping center, High's store, a bank, grocery store, and agricultural retail. The subject property backs up to Agricultural uses to the south. Enclosed with the report are site photographs of the subject property and adjacent properties (Attachments 7).

Zoning:

The overall zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in this area is AG/Agricultural. There are a few areas of RR/Rural Residential representing existing developments. Commercial zoning in the immediate area is B3/General Business District. The subject property is currently shown as B3/General Business District and AG/Agricultural. Enclosed is a copy of the zoning map (Attachment 8).

Zoning History:

This property was an issue during the 1982 comprehensive rezoning. The owner at that time requested that the property be rezoned from A-1 to B3 (Attachment 9). The County Council approved the B3/General Business Zoning for the entire property (Attachment 10 and 11). The property was not raised as an issue during the 1989 comprehensive rezoning review and the zoning remained B3/General Business (Attachment 12).

STAFF REPORT

Board of Appeals Case Number 5513

Madonna Enterprises, LLC

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Parcel 17 was not a specific issue during the 1997 comprehensive zoning review. There was no request from the owner to change the zoning on the property nor did the Department make any recommendation to change the existing zoning. The 1997 zoning map incorrectly shows a portion of Parcel 17 to be zoned AG/Agricultural. This error was only recently brought to the attention of the Department (Attachment 13).


SUMMARY:

The Department is requesting an interpretation pursuant to Section 267-10D of the Harford County Code to correct a mapping error in the 1997 Comprehensive Rezoning by adjusting the B3/General Business District boundary to include parcel 17 in its entirety, as shown on the current maps as B3/General Business and AG/Agricultural Districts.


Based on the evidence, it is clear that an unintentional error occurred during the drafting of the 1997 zoning map. To correct this error, approval through the Board of Appeals, pursuant to Section 267-10D of the Harford County Code, is required.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department requests approval to correct the zoning map to accurately reflect the proper B3 zoning for the entire area of the property.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf